

REMARKS

This Amendment is being filed in response to the Final Office Action mailed December 1, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the remarks to follow are respectfully requested.

In the Final Office Action, claims 1-4, 10 and 12-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,321,095 (Gavette) in view of U.S. Patent No. 6,356,838 (Paul). Further, claim 5 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gavette in view of Paul and U.S. Patent Application Publication No. 2003/0119532 (Hatch). Claims 6-9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gavette in view of Paul and U.S. Patent No. 6,571,103 (Novakov). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Gavette in view of Paul and U.S. Patent No. 6,370,394 (Anttila). It is respectfully submitted that claims 1-20 are patentable over Gavette, Paul, Hatch, Novakov and Anttila for at least the following reasons.

Gavette is directed to communication between two mobile stations via a direct RF link, without using a base station, by selecting and assigning slots of a circuit in an RF band. As correctly noted by the Examiner, Gavette does not teach or suggest transmitting any telephone numbers. Paul is cited in an attempt to remedy this deficiency in Gavette.

Paul is directed to a computer-implemented method for determining an efficient transportation route. As shown in FIG 1, one or more data centers are equipped with servers 125, 130 for providing the transportation services of a passenger 170 by a driver of a vehicle 180.

As shown in FIG 2, a user or passenger 170 requests a transportation service from the data center 125, 130. In response, the data center 125, 130 identifies a suitable pickup location and candidate drivers 180 bid or accept to provide the service. As recited on column 4, lines 53-59, if a driver of the vehicle 180 accepts the pickup, the driver of the vehicle 180 then confirms an estimated arrival time, and a confirmation code associated with the transportation transaction (e.g., the user's or passenger's 170 telephone number) may be generated by the data center 125, 130.

As further recited from column 4, line 66 to column 5, line 9, once a driver of the vehicle 180 has accepted, (at 235 of FIG 2) a message is transmitted by the data center 125, 130 to the user/passenger 170 confirming pickup location, time, a quoted price and/or the confirmation code for the driver. The passenger 170 is then asked by the data center 125, 130 to confirm that these parameters are acceptable. If so, then the driver of the vehicle 180 is notified of the confirmation. At this stage, the cell phone number of the passenger 170 may be transmitted to the driver of the vehicle 180 by the data center 125, 130 so that the two can communicate directly over the wireless network 120.

It is respectfully submitted that Gavette, Paul, and combination thereof, do not teach or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 19 which, amongst other patentable features, requires (illustrative emphasis provided):

sending a request signal from a first mobile
telephone to a second mobile telephone via a
wireless communication, and
transmitting a telephone number of the
second mobile telephone to the first mobile
telephone in response to the request signal.

There is simply no teaching or suggestion in Gavette, Paul,

alone or in combination, of transmitting the phone number of a second mobile telephone to a first mobile telephone in response to a request from the very same first mobile telephone to the second mobile telephone. Further, a receiver configured to receive a request from a further mobile telephone for a telephone number of the mobile telephone; and a transmitter configured to transmit the telephone number of the very same mobile telephone that received the request to the further mobile telephone that itself requested the phone number, as recited in independent claim 19, are nowhere taught or suggested in Gavette, Paul, and combination thereof.

Rather, Paul merely teaches that a passenger's cell phone number is sent to the driver by the data center, not by the passenger, since at this stage neither the passenger 170 nor the driver of the vehicle 180 know how to get in touch with each other yet, except through the data center 125, 130. Further, any requests are not communicated between passenger's and driver's cell phones, but rather requests are communicated to the data center. At best, the combination of Gavette and Paul teaches transmitting a phone number of one cell phone in response to a request received from a data center, and not in response to a request received from

another cell phone.

Hatch, Novakov and Anttila are cited in rejecting dependent claims to allegedly show other features and do not remedy the deficiencies in Gavette and Novakov. Accordingly, it is respectfully submitted that independent claims 1 and 19 should be allowable. In additions, claims 2-18 and 20 should be allowable at least based on their dependence from independent claims 1 and 19.

Claims 5-9, 14-18 and 20 also include separately patentable subject matter.

In particular, claim 6 requires "wherein an optical and/or acoustic and/or vibration signal is emitted at the second mobile telephone after data transmission by the second mobile telephone."

(Emphasis added) This feature is nowhere taught or suggested in column 7, lines 30-37 of Novakov, cited on page 3 of the Office Action in rejecting claim 6. Rather, this section of Novakov teaches that the receiving phone emits a ringing tone upon reception of an incoming call. There is no teaching or suggestion in the cited section of Novakov of the transmitting phone emitting a signal after data transmission, as recited in claim 6.

In rejecting claim 7, column 8, lines 49-58 of Novakov are

cited on page 4 of the Office Action. It is respectfully submitted that this section of Novakov merely teaches to switch off the entire phone, not just a function thereof. In stark contrast, claim 7 requires "wherein a data transmission function can be switched off by a user at the second mobile telephone to prevent the transmitting act; the second mobile telephone remaining on after the data transmission function is switched off."

(Illustrative emphasis provide) These features are nowhere taught or suggested in the cited section of Novakov.

In rejecting claim 8, column 4, lines 32-46 of Novakov are cited on page 4 of the Office Action. It is respectfully submitted that this section of Novakov merely teaches that a Bluetooth transceiver 28 may be used to communicate address lists, phone books, SMS message, etc. There is no teaching or suggestion that any such transmission is a function of fulfilling any criterion. In stark contrast, claim 8 requires "wherein the transmitting act takes place as a function of fulfillment of a given or specifiable criterion." (Illustrative emphasis provide) This feature is nowhere taught or suggested in the cited section of Novakov.

In rejecting claim 9, column 6, lines 12-22 of Novakov are

cited on page 4 of the Office Action. It is respectfully submitted that this section of Novakov merely teaches determining properties of the mobile phone by the user or the local wired station 10. There is no teaching or suggestion of using any user-specific profile or filter to fulfill any transmission act. In stark contrast, claim 9 requires "wherein said criterion comprises a user-specific profile and/or filter." (Illustrative emphasis provide) This feature is nowhere taught or suggested in the cited section of Novakov.

Similarly, there is no teaching or suggestion in Gavette, Paul, Hatch, Novakov and Anttila, alone or in combination, of performing the transmitting act if a profile indicates that the first mobile telephone will also transmit its telephone number to the second mobile telephone; or if the first mobile telephone includes a feature specified by the second mobile telephone; or if the user of the second mobile telephone activates a key thereby providing consent, as recited in claims 14-16 and 20.

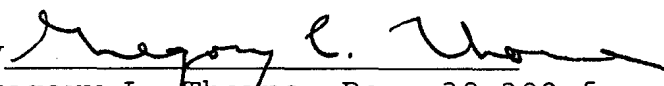
Further, Gavette, Paul, Hatch, Novakov, Anttila, and combinations thereof do not teach or suggest the present invention as recited in claims 5 and 17-18, which require transmitting from

the first mobile telephone to the second mobile telephone a message in response to reception of, or to confirm successful receipt of, the telephone number of the second mobile telephone, where the message includes the telephone number of the first mobile telephone or user-specific data of the first mobile telephone.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Gregory L. Thorne, Reg. 39,398 for
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
December 28, 2006

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101